

## FOR LEASE: HUNTERS WANTED IS LEASING YOUR PROPERTY FOR HUNTING THE RIGHT OPTION FOR YOU?

The “times they are a changing” for hunting and the hunting options in Indiana.

Twenty years ago, the concept of leasing your farm or woodlands to an individual or group for hunting rights was just about unheard of. Most hunting arrangements were made with an introduction between neighbors, friends of neighbors, or a relative. The deal generally consummated with a handshake and at the end of the hunt, the sharing of the bounty.

That type of interaction still occurs, but it shares the stage with a more formalized arrangement called lease hunting.

Leasing your property to an outside party offers pitfalls and opportunities. You might wonder how we got here. There are a number of social and legal reasons. They include liability, having more people with less hunting access, limited quality public land opportunities, and the quest for trophy displays.

What are the pitfalls? Obviously, the No. 1 issue in the private landowner’s mind is liability. The Indiana General Assembly in 2011-12 enacted law (IC34-31-9) titled, “Limited Liability Arising from Agritourism Activities,” the Web address for which is <http://www.in.gov/legislative/ic/2010/title34/ar31/ch9.html>. This law tightened areas where a landowner who allows a person on his or her property as an invitee can be held liable for inherent risk associated with the activity. Although the name might be misleading, lease hunting is specifically listed as an agritourism activity.

Will they respect my land and manage it well? As with any arrangement such as this, due-diligence is the answer. There are many great examples of contractual relationships that work well. Communication early and often seems to be the key. Also, finding people who share similar land and wildlife ethics goes a long way toward sustaining a long and prosperous relationship. Typically, when there is a fee-based relationship, the provider and the providee should establish a formal business relationship with a contract, expectation of insurance, hunting pressure (number of hunters and when), age and sex of annual harvest, and general seasons and species of game to be hunted.

The opportunities that a leasing arrangement can bring vary depending whether you live on the property or are an absentee landowner. Common to both ownership classes is a person

interested in managing wildlife on and adjacent to the tract. This typically results in maintenance and development of habitat that benefits many other species besides the hunted. In most cases, the lease-payment-per-acre covers much of the annual tax burden of the land. The carrying cost of the annual property taxes can be significant in some counties. In the case where wildlife populations might begin to approach carrying capacity or even exceed it, the hunting pressure will help reduce browsing of native flora and competition between species for limited food or cover, and typically will result in healthier wildlife populations.

For the absentee landowner, having a person or group police the property is a huge amenity. Trespassing is generally reduced once the word is out someone is paying for exclusive hunting rights to that property.

At some point the issue of price and length of lease will come up. Many times landowners become laser-focused on getting top dollar for the lease without considering the other potential amenities. As stated before, due diligence and finding like-minded hunters will play into price and lease arrangements. There is great value—although not always monetary—to having a group of hunters who can help support the property, especially if you are an absentee landowner.

Factors that influence price include: 1) overall size, 2) woodland-to-crop acreage ratio, 3) driving distance from cities, 4) length of contract, 5) multiple species (deer, turkey, small game), 6) quality of habitat and 7) willingness of the landowner to work with the lessee on concessions such as food plots, type of hunting stands, etc. Past market conditions indicate Indiana hunting leases run between \$5 and \$25 per acre. For landowners who have sold timber on a sealed-bid basis, the price spread is also a reality seen in hunting leases. The quality, quantity and terms of the lease impact price and thus can result in a significant price spread.



DNR file photo